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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,232	05/18/2007	Manfred Dorn	095309.58127US	6854

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EXAMINER
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COKER, ROBERT A

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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10/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,232	<b>Applicant(s)</b> DORN ET AL.	
	<b>Examiner</b> ROBERT A. COKER	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08/11/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 20, "A vehicle seat having an armrest with an operating device" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, line 7, "the axis of rotation" lacks antecedent basis.

Claim 11, lines 7 and 8, "the axis of rotation of the control wheel is arranged at right angles to the support surface" is unclear. It is unclear as to how the axis of rotation of the control wheel is at right angles with the support surface which is curved.

(Reference is made to Fig. 1).

Claim 11, lines 9 and 10, "an operating plane that encloses an obtuse angle with the support surface" is unclear. It is unclear as to what angle is being referred to.

Claim 11, line 11, "the peripheral surface" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-16, 18, 19, 21 and 23-29 rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka et al. (U. S. 2002/0196232).

With respect to claim 11, Kataoka et al. disclose an operating device for a vehicle comprising: keys (C-1-C-5), Paragraph [0040], a rotatable control wheel (A), the keys and the control wheel being arranged in a front section, and a support body (B) with a support surface for laying on a hand arranged in a rear section (Figs. 3, 5, 6), wherein the axis of rotation (Fig. 4) of the control wheel is arranged at right angles to the support surface, wherein the keys are arranged in an operating plane that encloses an obtuse angle with the support surface (Fig. 4-6), and wherein the peripheral surface of the control wheel has a top surface and a bottom surface that are inclined to one another such that the control wheel has its greatest diameter at the line of contact of the surfaces (Fig. 4).

With respect to claim 12, Kataoka et al. disclose the operating device, wherein, arranged to at least one of the left and the right, next to the control wheel, is at least one further key and at least one rotary regulator (C-1) in an operating surface running parallel to the support surface (Fig. 4).

With respect to claims 13 and 23, Kataoka et al. disclose the operating device, wherein the support surface has a curvature adapted ergonomically to a hand surface (Figs. 4-6).

With respect to claims 14, 24 and 25, Kataoka et al. disclose the operating device, wherein a large part of the control wheel is arranged below the support surface (Fig. 3).

With respect to claims 15 and 26-28, Kataoka et al. disclose the operating device, wherein the control wheel has a contoured peripheral surface.

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With respect to claims 16 and 29, Kataoka et al. disclose the operating device, wherein the bottom surface has a greater extent than the top surface, and forms an ergonomically advantageous bearing surface for fingers (Figs. 5 and 6).

With respect to 18, Kataoka et al. disclose the operating device, wherein a key or a number of keys (C-1, C-2, and C-4) has or have a haptically uniquely distinguishable shape, surface, or shape and surface such that a key or a number of keys can be selected or distinguished solely by feeling.

With respect to claim 19, Kataoka et al. disclose a center console of a vehicle comprising an operating device as claimed in claim 11 (Fig. 11).

With respect to claim 21, Kataoka et al. discloses the operating device, wherein the keys and the rotatable control wheel are for operating at least one of vehicle functions, an audio system, a telephone, and a navigation device (Paragraph [0037]).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. (U. S. 2002/0196232) in view of Schmidt et al. (EP 1288058A2).

With respect to claim 17, Schmidt et al. disclose the claimed invention except the support surface is of foldable design and, in a normal position, protects, covers, or

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protects and covers a key pad arranged inside the support body. However, Schmidt et al. disclose a control panel (10) (Fig. 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Schmidt et al. such that it comprised a support surface as taught by Schmidt et al. so as to improve aesthetics.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. (U. S. 2002/0196232) in view of Hansen (U. S. 4,200,166).

With respect to claim 20, Kataoka et al. disclose the claimed invention except a vehicle seat having an armrest. However, Hansen discloses a seat (1) and an armrest (4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Kataoka et al., such that it comprised a vehicle seat and armrest as taught Hansen so as to improve the comfortability of the driver.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. (U. S. 2002/0196232).

With respect to claim 22, Kataoka et al. disclose the claimed invention except the peripheral surface is a fluted peripheral surface. It would have been an obvious matter of design choice to have made the peripheral surface as claimed, since applicant has not disclose that making the peripheral surface as claimed solves any stated problem or is for any particular purpose and it appears that the invention should perform equally well with present teaching.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT A. COKER whose telephone number is (571)272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert A Coker  
Examiner  
Art Unit 3616

/RAC/

/Paul N. Dickson/  
Supervisory Patent Examiner, Art Unit 3616